IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 21574 of 1994

Between:

Bammidi Latchumayya alias Appalaramana S/o.late Appalasuri
Bammidivaripeta Srikakulam Mandal of Srikakulam Dist.

..... PETITIONER

AND

1 Mandal Revenue Officer Srikakulam
2 Amudalavalasa Coop. Sugar Factory Rep. by its Managing Director Amudalavalasa Srikakulam Dist.
3 Commissioner of Cooperation, Govt. of A.P., Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any Writ, Order or direction particulary a writ in the nature of Mandamus directing the 2nd respondent to correct the petitioner's date of birth as 2-3-1937 in the records and continue him in service basing on the same with all consequential and attendant benefits or in the alternative direct the respondents to pay salary basing the above date till the date of superannuation with interest.

Counsel for the Petitioner: DR.P.B.VIJAY KUMAR

Counsel for the Respondents Nos.1&3: GP FOR REVENUE

Counsel for the Respondents Nos.2: MR.D.RAMALINGA SWAMY.

The Court made the following :

ORAL ORDER

The only question that falls for consideration in this writ petition is whether the petitioner is entitled for declaration of his date of birth as 2-3-1937 instead of 3-3-1935. Admittedly, the petitioner had retired from service in 1997 after attaining the age of superannuation.

Now, this writ petition is filed alleging that he was subjected to medical examination on 28-12-1980 along with other employees of the sugar factory and the Medical Officer fixed his age as 45 years as on 28-12-1980. According to the petitioner his date of birth is 2-3-1937 but not 3-3-35 as fixed by the Medical officer.

The medical test itself was conducted on 28-12-1980 and this writ petition is filed just before his retirement. In fact, the petitioner retired from service in 1997. The question of fact has to be supported by the material filed by the petitioner to decide his date of birth, but, there is no supporting material even to make out a prima facie case. Even otherwise, the same cannot be decided in the summary proceedings like this writ petition.

Accordingly, this writ petition is devoid of merits and is dismissed. No costs.

_____

C.V.RAMULU,J

28TH JANUARY 2005

*TSNR

TO

1 Mandal Revenue Officer Srikakulam
2 Amudalavalasa Coop. Sugar Factory Rep. by its Managing Director Amudalavalasa Srikakulam Dist.
3 Commissioner of Cooperation, Govt. of A.P., Hyderabad

4. Two CCs to GP for Revenue, High Court Buildings, High Court of A.P.Hyderabad,(OUT)

5. Two C.D.Copies.

*Form-NIC-OGS/WP{**SBSK**}*